



Office of the Attorney General  
State of Texas

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ATTORNEY GENERAL

April 24, 1992

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Texas Department of Criminal Justice  
Institutional Division  
P. O. Box 99  
Huntsville, Texas 77342-0099

DUPLICATE -  
ORIGINAL NOT  
RETAINED

OR92-170

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13799.

The Texas Department of Criminal Justice Institutional Division (the "department") has received a request for copies of an inmate's travel cards and social summaries generated for his three incarcerations. You advise us that you do not object to disclosing the contents of the travel cards, including the social summary. You claim, however, that "Not for Same Use As" (NFSUA) information included on the travel cards and social summary documents is excepted from required public disclosure by sections 3(a)(1) and 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

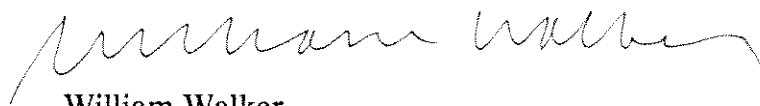
When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how and why release would

unduly interfere with law enforcement. Open Records Decision No. 434 (1986), (citing *Ex Parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)); see also Open Records Decision No. 413 (1984) (Department of Corrections is a "law enforcement" agency within the meaning of section 3(a)(8)).

We have examined the documents submitted to us for review. We conclude that release of NFSUA information would undermine a legitimate law enforcement interest. Accordingly, the NFSUA information included on the travel cards and social summary documents may be withheld from required public disclosure under section 3(a)(8) of the Open Records Act. Because we resolve this matter under section 3(a)(8), we need not address the applicability of section 3(a)(11) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-170.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GK/lmm

Ref.: ID# 13799  
ID# 14606  
ID# 14538

cc: Mr. Julian Scott Esparza  
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